

ZB# 05-25

Anthony Ciero

55-1-127

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted June 13, 2005

ZBA #05-20 ANTHONY CIERO (AREA)
606 TWIN ARCH RD (S-1-127)



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

September 20, 2005

Anthony Ciero
606 Twin Arch Road
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #05-25

Dear Mr. Ciero:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 55-1-127

In the Matter of the Application of

ANTHONY CIERO

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-25

WHEREAS, Anthony Ciero , owner(s) of 606 Twin Arch Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 13 ft. Rear Yard Setback (R-1,G-5) for proposed attached deck at 606 Twin Arch Road in an R-1 Zone (55-1-127)

WHEREAS, a public hearing was held on JUNE 13, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The applicant proposes to place an attached deck on the rear of the single family residence.
 - (c) In building the deck the applicant will not divert the flow of water drainage or create the ponding or collection of water.

- (d) In constructing the deck the applicant will not remove any trees or substantial vegetation.
- (e) The deck will not be on top of nor will it interfere with any easements including, water, sewer or electric easements.
- (f) The deck is similar in size and appearance to other decks in the neighborhood.
- (g) The deck is immediately adjacent to the rear exit from the home. The deck is necessary for safety. Without the deck, a person exiting the rear of the home would be likely to sustain serious physical injury.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

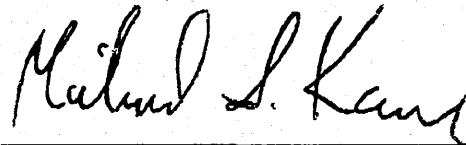
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 13 ft. Rear Yard Setback (R-1,G-5) for proposed attached deck at 606 Twin Arch Road in an R-1 Zone (55-1-127) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: JUNE 13, 2005

A handwritten signature in cursive script, reading "Michael S. Kung". The signature is written in dark ink and is positioned above a horizontal line.

Chairman

ANTHONY CIERO (05-25)

Mr. Anthony Ciero appeared before the board for this proposal.

MR. KANE: Request for 13 ft. rear yard setback for proposed attached deck at 606 Twin Arch Road.
Okay, sir, tell us what you want to do.

MR. CIERO: I'm building a deck and it's 13 feet over my 50 foot yard line for my neighbor's property, the deck is just, it's not going to be big enough for what I want to do on it so I'm going to get it over the foot line.

MR. KANE: Creating any water hazards or runoffs with the building of the deck?

MR. CIERO: No.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. CIERO: No.

MR. KANE: Is the home on Town water and sewer?

MR. CIERO: No.

MR. KANE: Are you going over any easements with the deck?

MR. CIERO: No.

MR. KANE: Deck itself similar in size to other decks that are in your neighborhood?

MR. CIERO: Yes, it is.

MR. KANE: At this point, any other questions?

MS. GANN: No.

MS. LOCEY: No.

MR. REIS: No.

MR. KANE: I'll ask if there's anybody in the audience for this particular hearing that would like to speak? Nobody here wants to talk so we'll close the public portion of the hearing, bring it back to the board.

MS. GANN: Accept a motion?

MR. KANE: Yes, I will.

MS. GANN: I'd like to offer a motion to grant Anthony Ciero's request for 13 foot rear yard setback for proposed attached deck at 606 Twin Arch Road in an R-1 zone.

MR. REIS: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: April 14, 2005

**APPLICANT: ANTHONY CIERO
606 TWIN ARC ROAD
NEW WINDSOR, NEW YORK 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: APRIL 13, 2005

FOR : PROPOSED ATTACHED REAR DECK

LOCATED AT: 606 TWIN ARCH ROAD

ZONE: R-1 Sec/Blk/ Lot: 55-1-127

DESCRIPTION OF EXISTING SITE: EXISTING ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. PROPOSED ATTACHED DECK WILL NOT MEET MINIMUM REAR YARD SET-BACK
OF 50'**

COPY


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: G-5

50'

37'

13'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

*picked
up
on
4/25/05*

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

APR 13 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: PA 2005-238

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Anthony J. Ciero

Address 606 Twin Arch Road Phone # 427-4051

Mailing Address Same Fax # 427-4051

Name of Architect F.D.G. Inc

Address Middletown NY Phone 845-341-1544

Name of Contractor Self

Address _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the ~~South~~ EAST side of Twin Arch Rd
(N, S, E or W)
and 1000 feet from the intersection of Rte 207
2. Zone or use district in which premises are situated Residential Is property a flood zone? Y N X
3. Tax Map Description: Section _____ Block _____ Lot _____
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Residence b. Intended use and occupancy Residence
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Deck
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: NA Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$5,000 Fee _____

PAID

CK # 777 \$50

ZONING BOARD

OK TEN

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Crathley & Coine
(Signature of Applicant)

606 Twin Arch Rd Rock Tavern NY
(Address of Applicant)

Crathley & Coine
(Owner's Signature)

606 Twin Arch Rd Rock Tavern NY
(Owner's Address)

PLOT PLAN

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

S

E

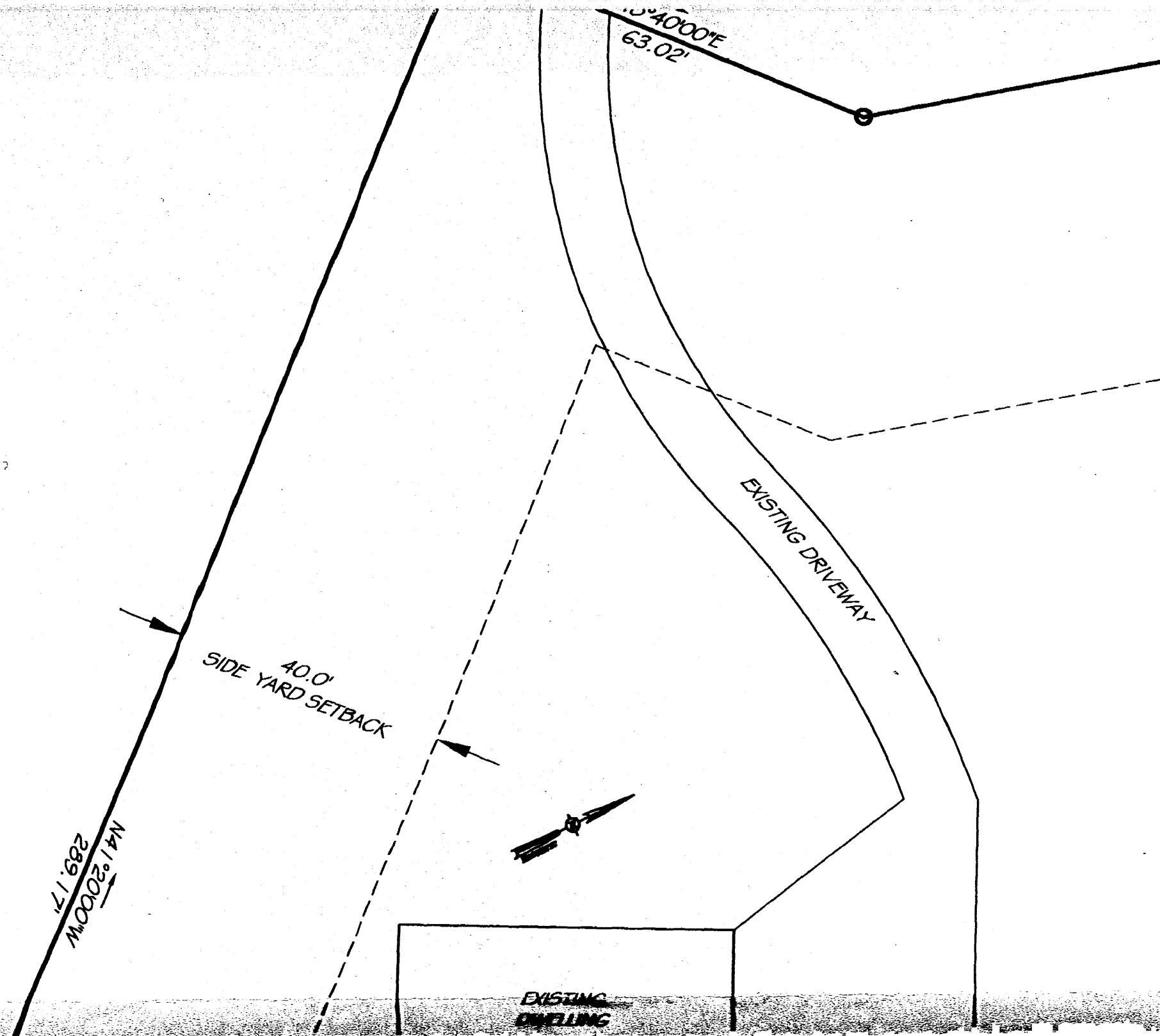
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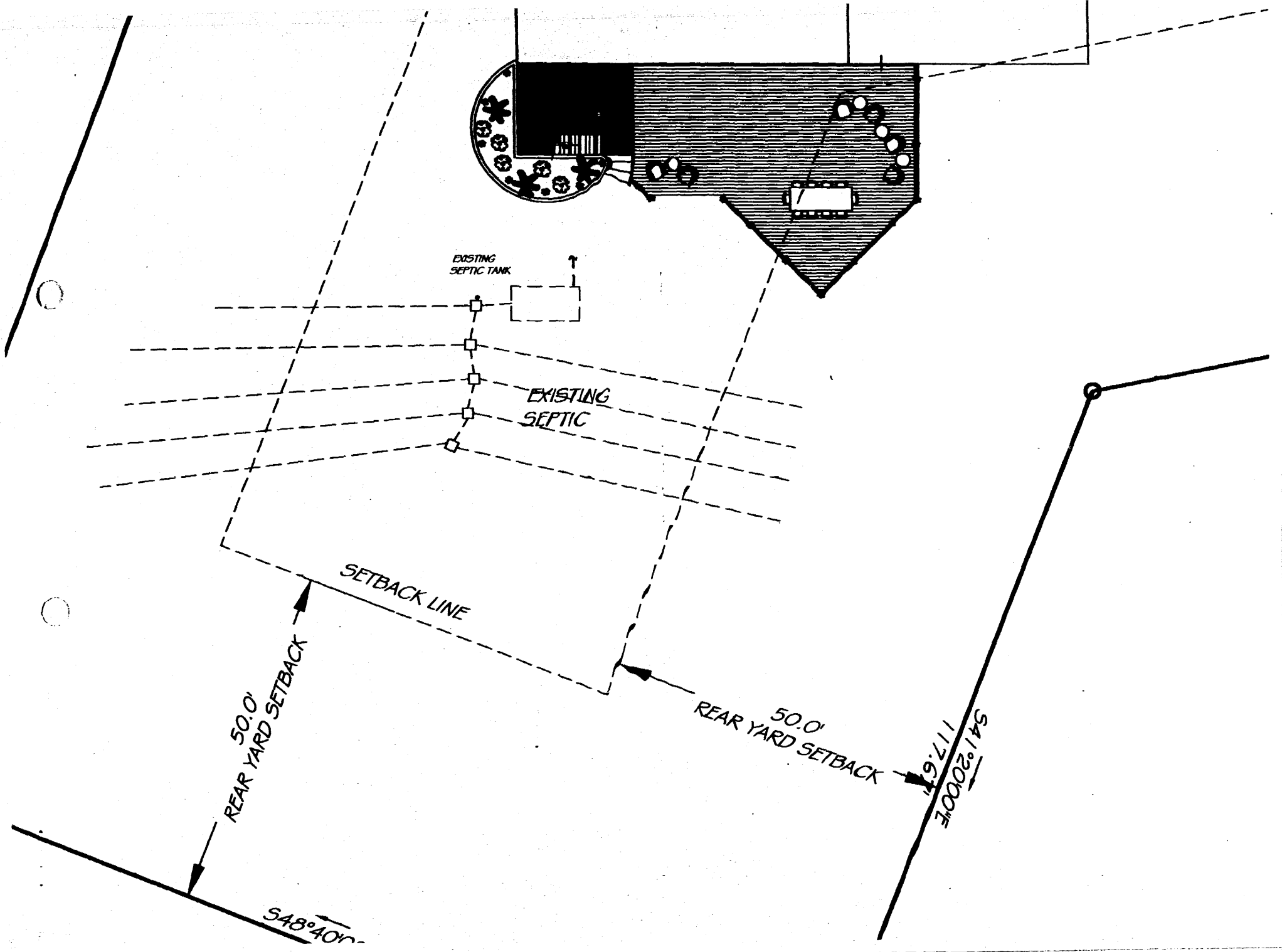
N

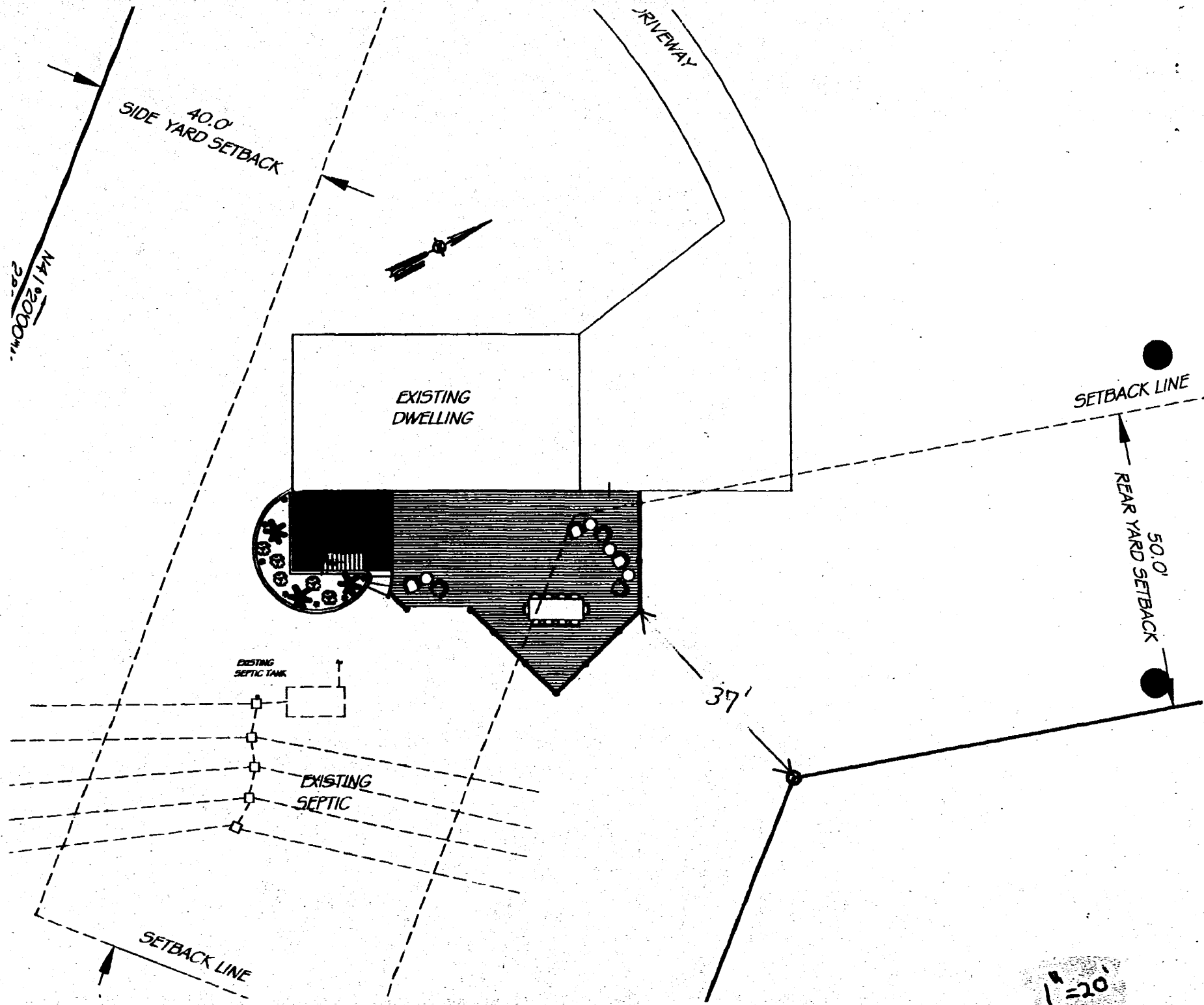
See Survey

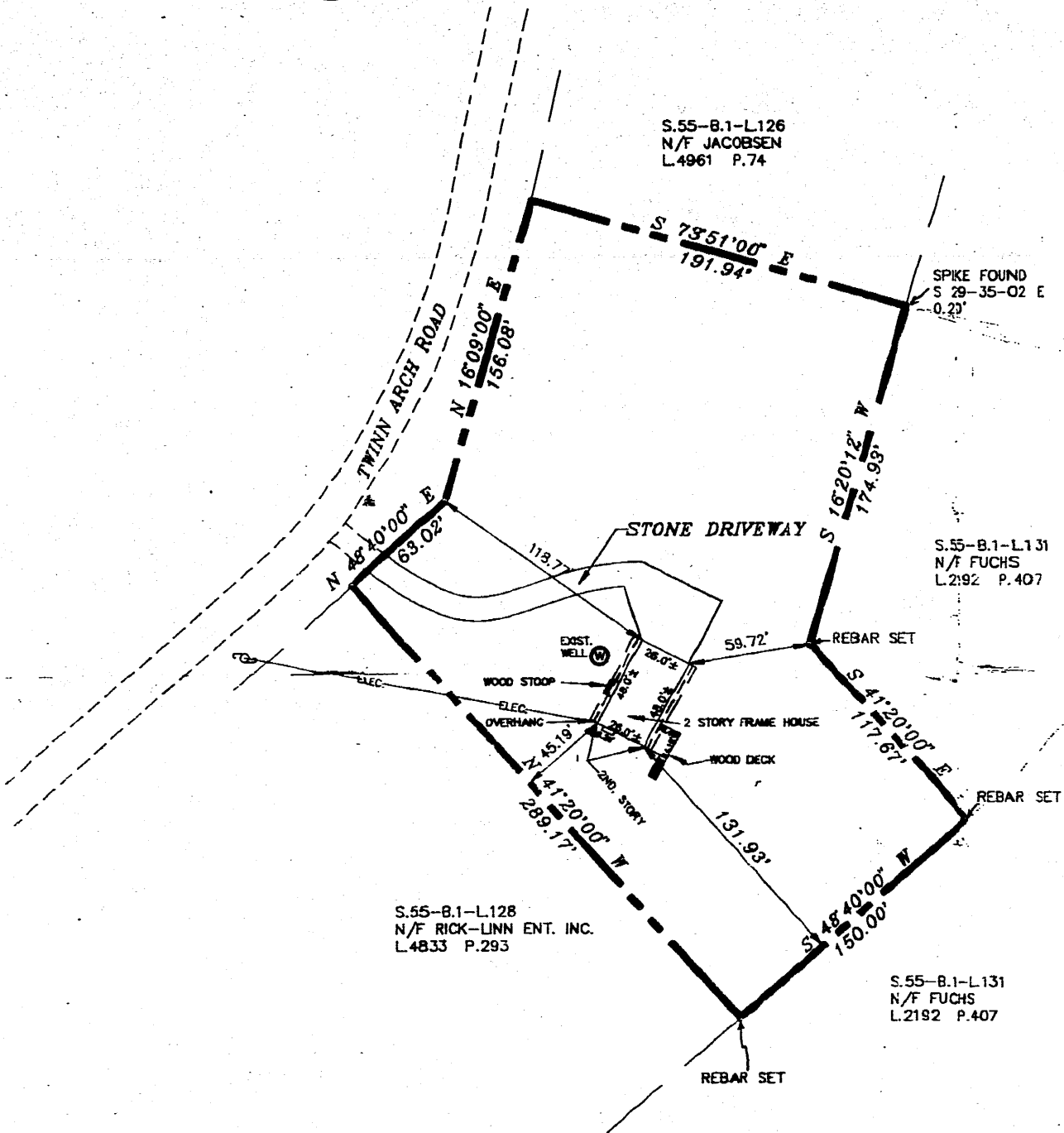
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

NOTE:









FIED TRUE AND CORRECT TO:

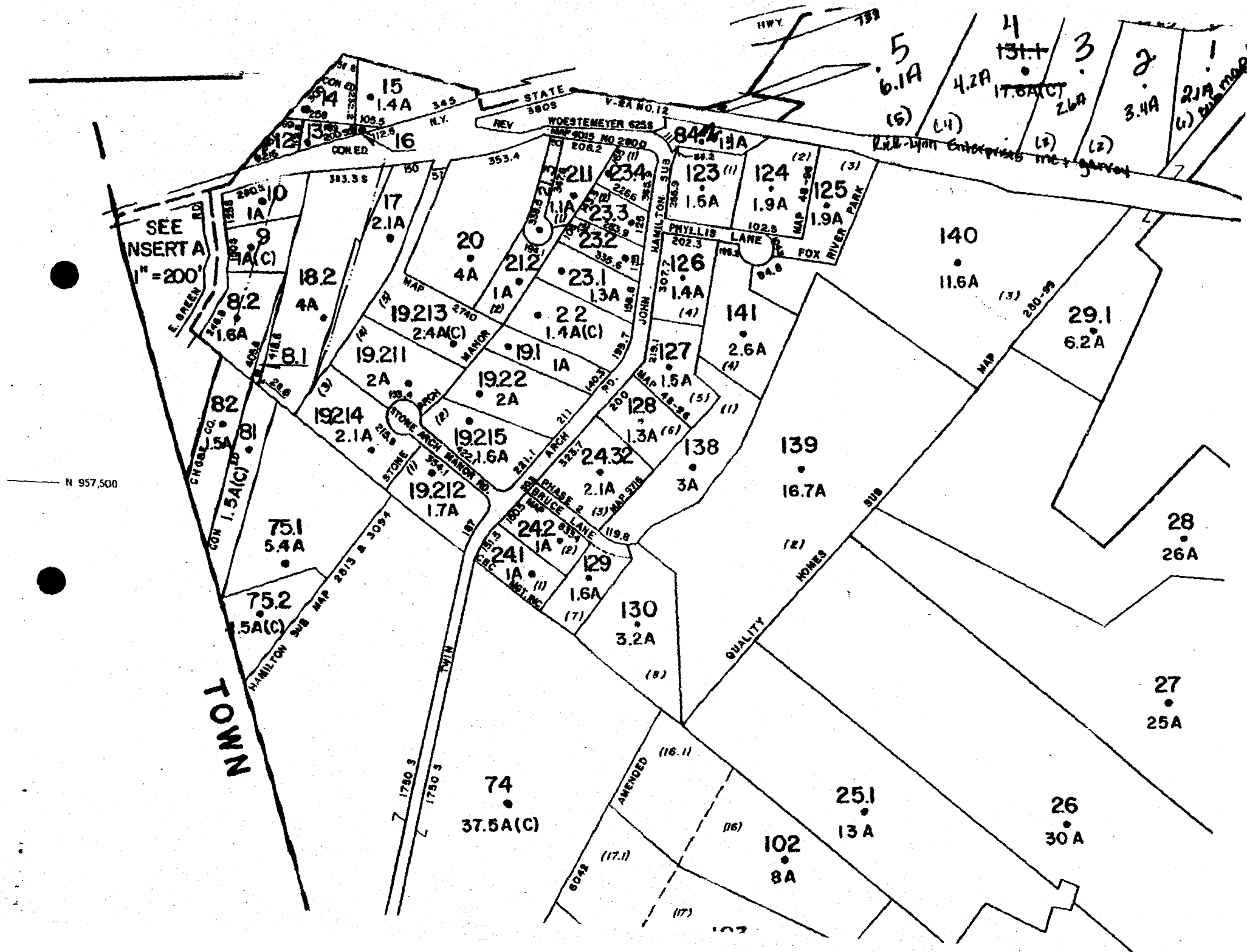
NY J. CIERO
AMERICAN TITLE INSURANCE COMPANY OF NEW YORK
MORTGAGE COMPANY, ITS SUCCESSORS &/OR ASSIGNS

NOTES:

- 1) UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-SECTION 2 OF THE N.Y. STATE EDUCATION LAW.
- 2) ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S BRASS SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- 3) CERTIFICATIONS INDICATED HEREIN SHOW THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON NO MANNER TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREIN, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- 4) UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREIN.

1) COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD, IF ANY

P.L.S. LIC. NO. 49410



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JULY 18, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 157.22 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-25

NAME & ADDRESS:

**Anthony Ciero
606 Twin Arch Road
RockTavern, NY 12575**

THANK YOU,

MYRA

L.R.7-18-05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-25 TYPE: AREA TELEPHONE: 845-427-4051

APPLICANT:

Anthony Ciero
606 Twin Arch Road
Rock Tavern, NY 12575

RESIDENTIAL:	\$ 50.00	CHECK # <u>781</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 782



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u>	PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: \$ 45.28

TOTAL: \$ 72.78 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 142.78

AMOUNT DUE: \$ _____

REFUND DUE: \$ 157.22

Cc:

L.R. 7-18-05



RESULTS OF Z.B.A. MEETING OF: June 18 2005

PROJECT: Anthony Ciero ZBA # 05-25
P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____
CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____
CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____
CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____
CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____
CARRIED: Y _____ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) 6 S) 15 VOTE: A 5 N 0.

GANN A
LOCEY A
BROWN A
~~MCDONALD~~ _____
REIS A
KANE A

CARRIED: Y ✓ N _____

No Public Comment

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

ANTHONY CIERO

**AFFIDAVIT OF
SERVICE
BY MAIL**

#05-25

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 27TH day of MAY, 2005, I compared the 18 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

6th day of June, 2005

J. M. (Gallagher)
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

18

TOWN OF NEW WINDSOR**ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-25

Request of Anthony Clero

Request for a VARIANCE of the Zoning Local Law to Permit:

Request for 13ft Rear Yard Setback (R-1, G-5) for proposed attached deck at 606 Twin Arch Road in an R-1 Zone (SS-1-127)

PUBLIC HEARING will take place on JUNE 13, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

Ad Number: 1761866 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: NEW WINDSOR, TOWN

INVOKING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFDDRL Date: 05/23/2005 Assigned Sales: AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THI Paper: IN Class: 999X; LEGAL BILLING

Schedule: Start Date - 05/26/2005 End Date - 05/26/2005

Sort: TOWN OF NEW WINDSOR ZONING BOARD OF APPE

PRODUCTION:

Text Size: 2 x 24.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 45.28 Payment Method: BI Amount Paid: 0 Amount Owed: 45.28

Price Method: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

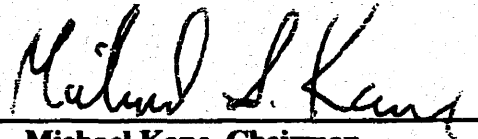
Appeal No. 05-25

Request of ANTHONY CIERO

for a VARIANCE of the Zoning Local Law to Permit:

Request for 13 ft. Rear Yard Setback (R-1,G-5) for proposed attached deck at 606 Twin Arch Road in an R-1 Zone (55-1-127)

PUBLIC HEARING will take place on JUNE 13, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", is written over a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

May 9, 2005

Anthony Ciero
606 Twin Arch Road
Rock Tavern, NY 12575

Re: 55-1-127 ZBA#: 05-25 (18)

Dear Mr. Ciero:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, LAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

55-1-19.1
Robert Marino
597 Twin Arch Road
Rock Tavern, NY 12575

55-1-22
Glenn Summers
605 Twin Arch Road
Rock Tavern, NY 12575

55-1-23.3
Edward & Stephanie Trautmann
623 Twin Arch Road
Rock Tavern, NY 12575

55-1-123
Donovan & Melva Larsen
5 Phyllis Lane
Rock Tavern, NY 12575

55-1-126
Allen & Catherine Jacobsen
4 Phyllis Lane
Rock Tavern, NY 12575

55-1-139
Michael & Jacqueline D'Ercole
18 Phyllis Lane
Rock Tavern, NY 12575

55-1-19.215
Ralph Nespoli
6 Stone Arch Manor Road
Rock Tavern, NY 12575

55-1-23.1
Richard & Genevieve West
611 Twin Arch Road
Rock Tavern, NY 12575

55-1-23.4
Michael & Lorraine Geffon
629 Twin Arch Road
Rock Tavern, NY 12575

55-1-124
Maureen & Louis Roman, Jr.
11 Phyllis Lane
Rock Tavern, NY 12575

55-1-128
Angelo & Eugenia Vaccaro
Richard & Grace Pineiro
600 Twin Arch Road
Rock Tavern, NY 12575

55-1-140
Richard Peysson
Suzanne Kaseta
24 Phyllis Lane
Rock Tavern, NY 12575

55-1-19.22
Samantha & Ralph Comulada, Jr.
591 Twin Arch Road
Rock Tavern, NY 12575

55-1-23.2
Steven Moses
Beth Marks
617 Twin Arch Road
Rock Tavern, NY 12575

55-1-24.32
Kevin & Mary Tyrrell
588 Twin Arch Road
Rock Tavern, NY 12575

55-1-125
Stewart Ross
Donna Rischer
15 Phyllis Lane
Rock Tavern, NY 12575

55-1-138
Richard & Joanne Binko
15 Bruce Lane
Rock Tavern, NY 12575

55-1-141
Scott Tobias
Kathleen Knapp
12 Phyllis Lane
Rock Tavern, NY 12575

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#412-2005

05/04/2005

Hamilton, Anthony J. Ciero & Jayne M. *ZBA # 05-25*

Received \$ 50.00 for Zoning Board Fees, on 05/04/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

May 9, 2005

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ANTHONY CIERO #05-25

MR. REIS: Request for 13 ft. rear yard setback for proposed attached deck at 606 Twin Arch Road.

Mr. Anthony Ciero appeared before the board for this proposal.

MR. CIERO: I have more copies.

MS. MASON: I did blow it up from the survey so I think that's going to be all right. You can have that back.

MR. REIS: Tell us what you want to accomplish, Anthony, please.

MR. CIERO: We're building a deck attached to the dwelling and it's 13 feet over the 50 foot line, it's going to attach to underneath the existing deck, going to put a patio and planter around the side, this is the dwelling and that's really it.

MR. REIS: This whole area is the deck?

MR. CIERO: Correct, this is my yard and this is the, I have, this is the whole layout of the property, that's the property deck and my 50 foot lines.

MR. REIS: Do you folks have this?

MS. MASON: They have a big piece of it.

MR. REIS: To accommodate this deck, Anthony, do you have to cut down substantial vegetation?

MR. CIERO: No, none.

MR. REIS: You won't be creating any runoffs or water hazards?

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MR. CIERO: No.

MR. REIS: I know the area, there are a lot of large decks in the area but this is considerably large as well it will be consistent with the community?

MR. CIERO: Yes, the houses nearby--

MR. REIS: You're not going over any easements or right-of-ways?

MR. CIERO: No.

MS. GANN: Wood deck?

MR. CIERO: Wood deck, it's going to be on the ground, back yard slopes gradually so this end of the deck, the far corner of the deck is going to be maybe two feet in the air, it's going to have rails around it, you can see them on the drawings, the rails.

MR. REIS: Whether or not you're approved for this structure, you still have to go to the Town and get all your approvals, okay, you understand that?

MR. CIERO: Yes.

MR. REIS: Any other questions?

MS. LOCEY: No.

MS. GANN: No.

MR. BROWN: No.

MR. REIS: Motion?

MS. LOCEY: Yes, I'd like to offer a motion to schedule a public hearing on the application of Anthony Ciero for his request for a 13 foot rear yard setback for a

May 9, 2005

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proposed attached deck at 606 Twin Arch Road in an R-1 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

May 27, 2005

Anthony Ciero
606 Twin Arch Road
RockTavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #05-25

Dear Mr. Ciero:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

606 Twin Arch Road
Rock Tavern, NY

is scheduled for the June 13, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: Anthony Ciro May 9, 2005

PROJECT: Anthony Ciero

ZBA # 05-25

P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y____N____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**_____ **N**_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M)____**S)**____ **VOTE: A**____**N**____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) 1 S) G VOTE: A 4 N 0

GANN	A
LOCEY	A
BROWN	A
MCDONALD	
REIS	A
KANE	

CARRIED: Y ☒ N ☐

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ VOTE: A___ N___.

GANN
LOCEY
BROWN
MC DONALD
REIS
KANE

CARRIED: Y_____N_____.

[illegible]



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

May 4, 2005

Anthony Ciero
606 Twin Arch Road
RockTavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #05-25

Dear Mr. Ciero:

This letter is to inform you that you have been placed on the May 9, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

606 Twin Arch Road
Rock Tavern, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

4/26/05
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I.

Owner Information:

Anthony J. Cicero
(Name)

Phone Number: 845-427-4051

Fax Number: 845-427-4051

606 Twin Arch Rd
(Address)

Rock Tavern

12575

II.

Applicant:

SAME
(Name)

Phone Number: ()

Fax Number: ()

(Address)

III.

Forwarding Address, if any, for return of escrow:

Phone Number: ()

Fax Number: ()

(Name)

(Address)

IV.

Contractor/Engineer/Architect/Surveyor/:

Phone Number: 845 591-6956

Fax Number: ()

(Name)

(Address)

Middletown NY

V.

Property Information:

Zone: R-1 Property Address in Question: 606 Twin Arch Rd

Lot Size: 1.

Tax Map Number: Section 55

Block 1

Lot 127

a. What other zones lie within 500 feet? None

b. Is pending sale or lease subject to ZBA approval of this Application? No

c. When was property purchased by present owner? 1999

d. Has property been subdivided previously? No If so, When:

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No

f. Is there any outside storage at the property now or is any proposed? Yes - current shed.

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	50'	37'	13'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

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COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The proposed deck is close to an existing home. The house was placed on this spot as it was the only spot that did not have to be blasted. Our lot is strangely shaped + the property attached is very far away from its owners existing dwelling. There will not be an undesirable change. No other area would be viable for this deck as it is attached to our home.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☒ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

3 day of May 2005.

Evelyn Spraga
Signature and Stamp of Notary

Notary Public, State of New York
Qualified in Orange County
Registration No. 015F50895547
Commission Expires July 7, 2007

Cathy A. Curran
Owner's Signature (Notarized)

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:

\$ 50.00

*ESCROW:

\$300.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.